

REMARKS

Claims 1-22 were pending before the examiner. The examiner has rejected all of the claims. By this amendment, no claims have been added and claims 3, 4, and 11 have been deleted. Now pending before the examiner are claims 1-2, 5-10, and 12-22.

Numerous edits to the claims have been made to more clearly define the invention. No new matter has been added.

The acceptance of the drawings filed on 12 March 2002, is noted.

The examiner has objected to claim 8 noting a typographical error.

The examiner is correct and by this amendment, the error has been corrected.

The examiner has rejected claims 1-6, 10-13, and 16-22 under 35 U.S.C. 102(e) citing Zustak.

The examiner has failed to recognize the present invention and that of Zusak. Among the many differences is the fact that the merged material of Zusak involves the "entertainment content" and a static icon or logo:

"... such watermarks are logos or insignias..." (Paragraph 0003, lines 4-5)

"...presenting a menu of possible advertisements..." (Paragraph 0007, lines 2-3)

This limitation of Zustak is most clearly shown in figure 5 where the "action portion" (a soccer match) has a static display 522 connected therewith stating "EXPERIENCE SONY PERSONAL VIDE AT A DE"; thereby asserting that the video described by the static display will supplant the soccer game if the static display is activated. Zustak does not have the capability to present two video streams simultaneously.

Nowhere does Zusak hint at or suggest that two action videos could be simultaneously displayed. Even relative to figure 5, the advertisement is described as a

“...banner style advertisement 522 corresponding to selection 322 from screen image 300.” (Paragraph 0056, lines 3-4)

Contrast this with the present invention’s presentation of two or more streams of video which are presented to the view simultaneously:

1 “1. (Currently Amended) A communications system comprising:
2 a) a distributed network for computers;
3 b) a broadcast computer connected to said distributed network for computers, said broadcast computer
4 having access to,
5 1) a first stream of video containing entertainment content, and,
6 2) a second stream of video containing commercial content;
7 said broadcast computer programmed to simultaneously communicating the first stream of video and the second
stream of video to a remote computer via said distributed network for computers.”

(Claim 1, as currently amended, underline added for emphasis; similar language in independent claims 12 and 18)

Not only is Zustak silent on the presentation of two or more videos, but Zustak, by its rigid construction of a video with a static logo/banner advertisement teaches away from the very concept within the present invention.

Because of this, it is respectfully submitted that claims 1-6, 10-13, and 16-22, as now amended, are not anticipated by Zustak, and further that Zustak is incapable of teaching or suggesting these claims.

The examiner has rejected claims 7-9 and 14-15 under 35 U.S.C. 103(a) citing Zustak in view of Liwerant et al.

Amendment A
Serial No. 09/818,262
Page 9

The limitations of Zustak are discussed above. The examiner comments that "Liwerant ... teaches the video stream includes address identifier." The examiner makes the leap to Liwerant in an effort to support his concern that "Zustak fails to teach the second video stream includes address identifiers."

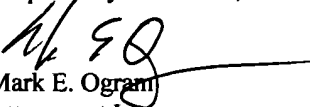
In this regard, the examiner has continued with the false assertion that Zustak teaches anything about the second video stream. As shown above, Zustak does not contain simultaneous video streams, only a single video with associated static advertisements.

How does Liwerant's "address identifiers" cure this fundamental deficiency? It doesn't!

Based upon the above, it is respectfully submitted that Zustak or Liwerant are incapable of teaching or suggesting claims 7-9 and 14-15 as now amended, whether these references are taken singly or in combination.

Based upon the above, it is respectfully submitted that claims 1-2, 5-10, and 12-22., as now amended, are allowable and should be advanced to issuance.

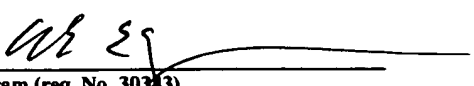
Respectfully Submitted,


Mark E. Ogram
Attorney at Law
Reg. No. 30343

Date: Oct 12, 2006

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on Oct 12, 2006.


Mark Ogram (reg. No. 30343)

10/12/2006
Date